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#39

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**SPECIAL PROGRAMS OFFICE
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In re Application of	:	
George Murakawa et al	:	
Application No. 07/402,450	:	DECISION GRANTING
Filed: September 1, 1989	:	PETITION
Attorney Docket No. 2124-154	:	

This is a decision on the petition filed September 12, 1998, requesting that the above-identified application be accepted without drawings with a filing date of September 1, 1989. The petition has recently been forwarded to this office for review. Any delay in considering the petition is regretted.

The application was deposited on September 1, 1989 with an application transmittal letter indicating that no drawings accompanied the original application papers. However, the specification as originally filed referred to Figures 1, 1A and 1B at page 12.

On December 5, 1991 an amendment was filed, stating that Figures 1, 1A and 1B were not filed with the original application, and requesting that the reference to Figures 1, 1A and 1B on page 12 of the specification be deleted.

On August 8, 1996, the Board of Patent Appeals and Interferences mailed a decision remanding the application to the examiner, and stating, inter alia, that in order for the application to be accorded a September 1, 1989 filing date, appellants must file a successful petition requesting that the application be accepted without the omitted figures together with the required petition fee and a supplemental declaration.

In response, on September 12, 1998 the present petition was filed. The petition was accompanied by the required petition fee and a supplemental declaration, signed by all the inventors, stating that the invention is adequately disclosed without any drawings containing Figures 1, 1A and 1B. Further, the petition contains a statement, signed by a registered practitioner, that

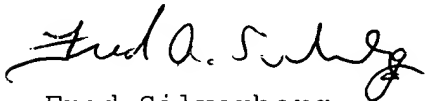
drawings of Figures 1, 1A and 1B are not necessary for an understanding of the invention.

In view of the above, the petition is granted.

It is noted that PTO records for the application presently indicate a filing date of September 1, 1989 and receipt of "0" sheets of drawings on filing.

The application is being returned to Technology Center Art Unit 1655 for further action in due course.

Any inquiries related to this decision should be directed to James Engel at (703) 308-5106.



Fred Silverberg
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JJE